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TWAF

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PATENT APPLICATION

ATTORNEY DOCKET NO. 10003778-3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Swamy Mandavilli et al.

Application No.: 10/817,192

Confirmation No.: 2164

Filed: April 2, 2004

Art Unit: 2628

For: METHOD AND SYSTEM FOR
MAINTAINING PERSISTENCE OF
GRAPHICAL MARKUPS IN A
COLLABORATIVE GRAPHICAL VIEWING
SYSTEM

Examiner: P. K. Nguyen

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.37(a), this brief is filed more than two months after the Notice of Appeal filed in this case on May 23, 2006, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- | | |
|------|---|
| I. | Real Party In Interest |
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VII.	Argument
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Appendix A	Claims

I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 29 claims pending in this application.

B. Current Status of Claims

1. Claims canceled: 3 and 4
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1, 2 and 5-31
4. Claims allowed: None
5. Claims rejected: 1, 2 and 5-31

C. Claims On Appeal

The claims on appeal are claims 1, 2 and 5-31

IV. STATUS OF AMENDMENTS

A Final Office Action rejecting the claims of the present application was mailed on March 13, 2006. In response, Appellant did not file an Amendment After Final Rejection, but instead filed a Notice of Appeal, which this brief supports, and a Pre-Appeal Brief. Accordingly, the claims on appeal are those as rejected in the Final Office Action of March 20, 2006. A complete listing of the claims is provided in the Appendix A.

V. SUMMARY OF CLAIMED SUBJECT MATTER

An embodiment of the invention, as recited in claim 1, provides a collaborative graphical viewing system. The system comprises a markup module (Figure 5, element 206, page 9 lines 15-22) which allows graphical markup items (Figures 1-2, elements 130-133, page 7 lines 3-8 and 26-28) to be created (e.g., through the use of markup dialog 110 (see Figure 1 and page 5 line 25 to page 6 line 21)) and associated with a camera position (Figures 1-2, elements 142a-142b, page 4 line 24 to page 5 line 24), said markup module comprising a store utility (Figure 5, element 212, page 9 lines 15-22) which stores said created graphical markup items and associated camera position in persistent storage (Figures 3-4, elements 24-25, page 8 lines 14-20).

An embodiment of the invention, as recited in claim 7, provides a method for maintaining persistence of graphical markup items in a collaborative graphics environment. The method comprises associating graphical markup (Figures 1-2, elements 130-133, page 7 lines 3-8 and 26-28) items created by a user (e.g., through the use of markup dialog 110 (see Figure 1 and page 5 line 25 to page 6 line 21)) to a camera position (Figures 1-2, elements 142a-142b, page 4 line 24 to page 5 line 24), said camera position corresponding to a view of a model (e.g., Figures 1-2, elements 160-162) loaded into a viewing area (Figures 1-2, element 150, page 4 lines 8-23); and storing positioning information describing said camera position and said associated graphical markup items (e.g., Figure 6 is an illustrative embodiment of a file storing such information, see page 10 lines 10-13) in persistent storage (Figures 3-4, elements 24-25, page 8 lines 14-20).

An embodiment of the invention, as recited in claim 13, provides a computer readable storage medium tangibly embodying program instructions implementing a method for

maintaining persistence of graphical markup items in a collaborative graphics environment. The method comprises associating graphical markup (Figures 1-2, elements 130-133, page 7 lines 3-8 and 26-28) items created by a user (e.g., through the use of markup dialog 110 (see Figure 1 and page 5 line 25 to page 6 line 21)) to a camera position (Figures 1-2, elements 142a-142b, page 4 line 24 to page 5 line 24), said camera position corresponding to a view of a model (e.g., Figures 1-2, elements 160-162) loaded into a viewing area (Figures 1-2, element 150, page 4 lines 8-23); and storing positioning information describing said camera position and said associated graphical markup items (e.g., Figure 6 is an illustrative embodiment of a file storing such information, see page 10 lines 10-13) in persistent storage (Figures 3-4, elements 24-25, page 8 lines 14-20).

An embodiment of the invention, as recited in claim 19, provides a system, which comprises a computer aided design (CAD) engine (Figure 3, element 26) for rendering views of a three dimensional model of an object under design according to a camera position that defines a viewer's perspective relative to said object in three dimensions (see at least Figures 1-2, element 160, and page 4 lines 12-23); and a collaboration module (e.g., Figure 5, element 206, page 9 lines 15-22) for creating a user defined annotation of said three dimensional model to be displayed for a single predefined camera position, wherein said collaboration module stores said user defined annotation and said single predefined camera position (page 6, lines 12-15) such that, when said three dimensional model is subsequently viewed according to said single predefined camera position, said user defined annotation is displayed (page 7 lines 9-28).

An embodiment of the invention, as recited in claim 25, provides a method, which comprises generating a first view of a three dimensional model by a computer aided design (CAD) application for display according to a predefined camera position; receiving an annotation of said three dimensional model from a user (e.g., through the use of markup dialog 110 (see Figure 1 and page 5 line 25 to page 6 line 21)); storing said received annotation and said predefined camera position (page 6, lines 12-15); receiving a request to display of a second view of said three dimensional model according to a requested camera position (page 7 lines 9-28); generating said second view of said three dimensional model by said CAD application for display according to said requested camera position (page 7 lines 9-

28); and only when said requested camera position matches said predefined camera position, displaying said annotation (page 7 lines 5-28).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether the rejection of claims 1-2 and 5-31 under 35 USC 103(a) over Dalal et al. (US patent 6363404, hereinafter Dalal) in view of Powers et al. (US patent 6362817, hereinafter Powers) is proper.

VII. ARGUMENT

Claims 1-2 and 5-31 stand rejected under 35 USC 103(a) over Dalal et al. in view of Powers et al.

A. The Office Action does not comply with the mandates of *Graham v. John Deere*

The test for non-obvious subject matter is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would have been obvious to a person having ordinary skill in the art to which the subject matter pertains. The United States Supreme Court in *Graham v. John Deere and Co.*, 383 U.S. 1 (1966) set forth the factual inquiries which must be considered in applying the statutory test: (1) determining of the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; (3) resolving the level of ordinary skill in the pertinent art, and (4) evaluate evidence of secondary considerations. See MPEP § 2141.

The MPEP § 706.02(j), incorporates the mandate of *Graham v. John Deere* and directs the Examiner to set forth in the Office action: (1) the relevant teachings of the prior art relied upon; (2) the difference or differences in the claim over the applied references; (3) the proposed modification of the applied references necessary to arrive at the claimed subject matter; and (4) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification. The Final Office Action does not set forth the relevant teachings of the prior art relied upon.

The Office Action dated 9/8/05, at page 2, admits “Dalal does not explicitly teach the ‘camera position’ representing the position of [a] camera taking the image of [an] object as claimed,” and refers to the teachings of Powers at column 13, lines 35-60 as teaching the limitations stating “Powers’s teaching of the 3D image of [an] object’s perspective view teaches the camera position where the images are taken as claimed.” Further, the Office Action dated 9/8/05, at page 2, states the motivation for combining the teachings of Dalal and Powers as “Powers’ 3D perspective images correspondence with a camera position can be used for showing the object in Dalal’s system for a realistic representation of a perspective projection” (emphasis added).

Appellant has previously shown in the Amendment filed 12/8/2005 that the rejection lacks sufficient motivation, as Appellee’s motivation is merely a statement that the references can be combined. In response, the Final Office Action changes the reason for the use of the Powers reference. The Final Office Action at page 3 states that “[t]he Powers reference is used to clarify or better explain a relationship between a perspective point in projection of [the] Dala[l] reference and a viewpoint or camera position in the claimed position.” Appellant respectfully notes that in changing the purpose of the secondary reference to be used to clarify or better explain a relationship between Dalal and the application, Appellee has left the rejection incomplete, as Appellee is no longer relying upon Powers (nor any other art) to teach the admitted deficiencies of Dalal. As such, Appellee has not set forth the relevant teachings of the prior art that are directed to Dalal’s admitted deficiencies. Therefore, Appellant respectfully asserts that the 35 USC 103(a) rejection is improper and requests that it be reversed.

B. Lack of Motivation

It is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The Final Office Action at page 2 states the motivation for combining the teachings of Dalal and Powers as “Powers’ 3D perspective images correspondence with a camera position can be used for showing the object in Dalal’s system for a realistic representation of a perspective projection” (emphasis added). Appellant, in the Amendment dated 12/8/2005, has previously

shown that this statement is merely a statement that the references can be combined, yet does not render the resultant combination obvious since the prior art does not suggest the desirability of the combination. As discussed above, Appellee's response renders the rejection incomplete by changing the purpose of the secondary reference (Powers). Further, Appellee's response fails to address Appellant's argument, in that Appellee has not shown why the statement of motivation is not simply a statement that the references can be combined and has not shown that the prior art suggests the desirability of the combination. As such, Appellant's arguments still stand, namely, that the stated motivation is merely a statement that the teachings can be combined and that the prior art does not suggest the desirability of the proposed combination.

The Final Office Action at page 3 further states in response to Appellant's arguments that "[b]oth of the references are in the same art and refer to the same perspective display technique, therefore, the motivation to combine two references is properly stated as [a] visual enhancement for a realistic representation of a perspective projection." Appellant respectfully points out that Appellee's assertion that the references are in the same art and refer to the same perspective display technique does not address the lack of a suggestion of desirability within either Dalal or Powers to make the proposed combination. Further, Appellee's statement shows the inherent lack of motivation for combining Dalal and Powers. Stating that each of Dalal and Powers are in the same art and refer to the same perspective display technique shows that Dalal and Powers have equivalent teachings (with regard to this feature) and as such, neither Dalal nor Powers will derive any benefit from a combination between the two. Appellant can find no aspect within Dalal or Powers suggesting the desirability of the proposed combination. Thus, even if the references could be combined as proposed, the prior art does not suggest the desirability of the combination. Therefore, Appellant respectfully asserts, for at least the above reasons, that the rejection of claims 1-2 and 5-31 is improper and requests that the rejection be reversed.

C. Lack of Limitations

1. Claims 1-2 and 5-6

It is well settled that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See *In re Royka*, 490 F.2d

981, 180 USPQ 580 (CCPA 1974). Claim 1 requires graphical markup items. Dalal in view of Powers does not teach these limitations. The Final Office Action at page 2 broadly alleges that Dalal teaches a markup module referring to column 7, lines 43-54, and admits “Dalal does not explicitly teach the ‘camera position’”. However, the Final Office Action makes no mention as to which of the teachings of Dalal meet the specific limitations of claim 1, leaving Appellant to infer which teachings are being read to meet the limitations of graphical markup items. In reviewing the teachings of Dalal, Appellant notes that Dalal teaches markup documents that are stored as “texture image files of predefined three-dimensional models” (Dalal column 1, lines 63-65). Additionally, Dalal teaches that “[i]n accordance with yet other aspects of the present invention, the markup documents are HTML (Hypertext Markup Language) documents” (column 2, lines 35-37). As such, Dalal teaches markup documents and HTML documents, yet does not teach or suggest graphical markup items. Powers is not relied upon as teaching and does not teach or suggest these limitations. Thus, Dalal in view of Powers does not teach or suggest all claim limitations.

Claim 1 further recites “a markup module which allows graphical markup items to be created and associated with a camera position”. Dalal in view of Powers does not disclose at least these limitations. As discussed above, the Final Office Action makes no mention as to which of the teachings of Dalal meet the limitations of claim 1, leaving Appellant to infer which teachings are being read to meet the limitations of allowing graphical markup items to be created and associated with a camera position. However, the Final Office Action at page 2 does admit that “Dalal does not explicitly teach the ‘camera position’ representing the position of [a] camera taking the image of [an] object as claimed,” and refers to the teachings of Powers at column 10, lines 35-65 as teaching such limitations stating “Powers’s teaching of the 3D image of [an] object’s perspective view teaches the camera position where the images are taken as claimed.” Appellant notes that Dalal teaches storing a markup document as a texture file (Dalal, at least column 1, lines 63-65 and column 10 lines 4-9). Additionally, Appellant notes that Powers teaches a camera position relative to a player block (column 10, lines 35-65), yet Appellant can find no aspect of Powers teaching allowing a texture map to be associated with a camera position. As such, Dalal in view of Powers does not teach allowing “graphical markup items to be created and associated with a camera position.” Thus, Dalal in view of Powers does not teach or suggest all of the claim limitations.

Therefore, Appellant respectfully asserts, for at least the above reasons, that claim 1 is patentable over Dalal in view of Powers and requests that the rejection be reversed.

It is also well settled that if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Claims 2 and 5-6 depend from and inherit all the limitations of claim 1. As discussed above, claim 1 contains features and limitations that are neither taught nor suggested by Dalal in view of Powers. Thus, claims 2 and 5-6, depending from claim 1, are nonobvious. Therefore, Appellant respectfully asserts that claims 2 and 5-6 are patentable over Dalal in view of Powers and requests that the rejection be reversed.

2. Claims 7-12

Claim 7 requires graphical markup items. Dalal in view of Powers does not teach these limitations. The Final Office Action at page 2 broadly alleges that Dalal teaches a markup module referring to column 7, lines 43-54, and admits “Dalal does not explicitly teach the ‘camera position’”. However, the Final Office Action makes no mention as to which of the teachings of Dalal meet the specific limitations of claim 7, leaving Appellant to infer which teachings are being read to meet the limitations of graphical markup items. In reviewing the teachings of Dalal, Appellant notes that Dalal teaches markup documents that are stored as “texture image files of predefined three-dimensional models” (Dalal column 1, lines 63-65). Additionally, Dalal teaches that “[i]n accordance with yet other aspects of the present invention, the markup documents are HTML (Hypertext Markup Language) documents” (column 2, lines 35-37). As such, Dalal teaches markup documents and HTML documents, yet does not teach or suggest graphical markup items. Powers is not relied upon as teaching and does not teach or suggest these limitations. Thus, Dalal in view of Powers does not teach or suggest all claim limitations.

Claim 7 further recites “graphical markup items created by a user”. Dalal in view of Powers does not disclose at least these limitations. As discussed above, the Final Office Action makes no mention as to which of the teachings of Dalal meet the limitations of claim 7, leaving Appellant to infer which teachings are being read to meet these limitations. Appellant notes that Dalal teaches storing a markup document as a texture file (Dalal, at least column 1, lines 63-65 and column 10 lines 4-9), and the markup documents received by the

host system from the network are requested by the host system's user or automatically sent by a remote server coupled to the host system via the network (Dalal, column 5, lines 39-42), such that the user does not create the markup documents. Powers is not relied upon and teaches away from these limitations stating "texture maps can be from a predefined library or can be custom texture files that the designer (or another party) provides" (column 3, line 67 to column 4 line 2). As such, while Dalal in view of Powers may teach texture files created from markup documents or by a designer, it does not teach or suggest "graphical markup items created by a user".

Claim 7 further recites "associating graphical markup items ... to a camera position". Dalal in view of Powers does not disclose at least these limitations. As discussed above, the Final Office Action makes no mention as to which of the teachings of Dalal meet the limitations of claim 7, leaving Appellant to infer which teachings are being read to meet these limitations. However, the Final Office Action at page 2 does admit that "Dalal does not explicitly teach the 'camera position' representing the position of [a] camera taking the image of [an] object as claimed," and refers to the teachings of Powers at column 10, lines 35-65 as teaching such limitations stating "Powers's teaching of the 3D image of [an] object's perspective view teaches the camera position where the images are taken as claimed." Appellant notes that Powers teaches a camera position relative to a player block (column 10, lines 35-65), yet not relative to a texture map. Further, each of Dalal's and Powers' texture maps/files are associated with a 3D object model (Dalal column 3 lines 24-31; Powers column 3 lines 64-67). As such, while Dalal in view of Powers may teach associating texture files to an object, it does not teach or suggest "associating graphical markup items ... to a camera position".

Claim 7 further recites "storing positioning information describing the camera position and the associated graphical markup items in persistent storage." Dalal in view of Powers does not disclose at least these limitations. Dalal teaches storing a markup document as a texture file (Dalal, at least column 1, lines 63-65 and column 10 lines 4-9), yet does not teach storing positioning information describing the camera position and the associated graphical markup items in persistent storage. Powers is not relied upon as teaching these limitations. Appellant can find no aspect of Dalal in view of Powers that corresponds to storing positioning information describing the camera position and the associated graphical

markup items in persistent storage. Thus, Dalal in view of Powers does not teach or suggest storing positioning information describing the camera position and the associated graphical markup items in persistent storage. Therefore, Appellant respectfully asserts, for at least the above reasons, that claims 7 and 13 are patentable over Dalal in view of Powers and requests that the rejection be reversed.

Claims 8-12 depend from and inherit all the limitations of claim 7. As discussed above, claim 7 contain features and limitations that are neither taught or suggested by Dalal in view of Powers. Thus, claims 14-18, depending from claim 7, are nonobvious. Therefore, Appellant respectfully asserts that claims 8-12 are patentable over Dalal in view of Powers and requests that the rejection be reversed.

3. Claims 13-18

Claim 13 requires graphical markup items. Dalal in view of Powers does not teach these limitations. The Final Office Action at page 2 broadly alleges that Dalal teaches a markup module referring to column 7, lines 43-54, and admits “Dalal does not explicitly teach the ‘camera position’”. However, the Final Office Action makes no mention as to which of the teachings of Dalal meet the specific limitations of claim 13, leaving Appellant to infer which teachings are being read to meet the limitations of graphical markup items. In reviewing the teachings of Dalal, Appellant notes that Dalal teaches markup documents that are stored as “texture image files of predefined three-dimensional models” (Dalal column 1, lines 63-65). Additionally, Dalal teaches that “[i]n accordance with yet other aspects of the present invention, the markup documents are HTML (Hypertext Markup Language) documents” (column 2, lines 35-37). As such, Dalal teaches markup documents and HTML documents, yet does not teach or suggest graphical markup items. Powers is not relied upon as teaching and does not teach or suggest these limitations. Thus, Dalal in view of Powers does not teach or suggest all claim limitations.

Claim 13 further recites “graphical markup items created by a user”. Dalal in view of Powers does not disclose at least these limitations. As discussed above, the Final Office Action makes no mention as to which of the teachings of Dalal meet the limitations of claim 13, leaving Appellant to infer which teachings are being read to meet these limitations. Appellant notes that Dalal teaches storing a markup document as a texture file (Dalal, at least

column 1, lines 63-65 and column 10 lines 4-9), and the markup documents received by the host system from the network are requested by the host system's user or automatically sent by a remote server coupled to the host system via the network (Dalal, column 5, lines 39-42), such that the user does not create the markup documents. Powers is not relied upon and teaches away from these limitations stating "texture maps can be from a predefined library or can be custom texture files that the designer (or another party) provides" (column 3, line 67 to column 4 line 2). As such, while Dalal in view of Powers may teach texture files created from markup documents or by a designer, it does not teach or suggest "graphical markup items created by a user".

Claim 13 further recites "associating graphical markup items ... to a camera position". Dalal in view of Powers does not disclose at least these limitations. As discussed above, the Final Office Action makes no mention as to which of the teachings of Dalal meet the limitations of claim 13, leaving Appellant to infer which teachings are being read to meet these limitations. However, the Final Office Action at page 2 does admit that "Dalal does not explicitly teach the 'camera position' representing the position of [a] camera taking the image of [an] object as claimed," and refers to the teachings of Powers at column 10, lines 35-65 as teaching such limitations stating "Powers's teaching of the 3D image of [an] object's perspective view teaches the camera position where the images are taken as claimed." Appellant notes that Powers teaches a camera position relative to a player block (column 10, lines 35-65), yet not relative to a texture map. Further, each of Dalal's and Powers' texture maps/files are associated with a 3D object model (Dalal column 3 lines 24-31; Powers column 3 lines 64-67). As such, while Dalal in view of Powers may teach associating texture files to an object, it does not teach or suggest "associating graphical markup items ... to a camera position".

Claim 13 further recites "storing positioning information describing the camera position and the associated graphical markup items in persistent storage." Dalal in view of Powers does not disclose at least these limitations. Dalal teaches storing a markup document as a texture file (Dalal, at least column 1, lines 63-65 and column 10 lines 4-9), yet does not teach storing positioning information describing the camera position and the associated graphical markup items in persistent storage. Powers is not relied upon as teaching these limitations. Appellant can find no aspect of Dalal in view of Powers that corresponds to

storing positioning information describing the camera position and the associated graphical markup items in persistent storage. Thus, Dalal in view of Powers does not teach or suggest storing positioning information describing the camera position and the associated graphical markup items in persistent storage. Therefore, Appellant respectfully asserts, for at least the above reasons, that claim 13 is patentable over Dalal in view of Powers and requests that the rejection be reversed.

Claims 14-18 depend from and inherit all the limitations of claim 13. As discussed above, claim 13 contains features and limitations that are neither taught or suggested by Dalal in view of Powers. Thus, claims 14-18, depending from claim 13, are nonobvious. Therefore, Appellant respectfully asserts that claims 14-18 are patentable over Dalal in view of Powers and requests that the rejection be reversed.

4. Claims 19-24

Claim 19 requires an annotation of a three dimensional model. Dalal in view of Powers does not teach these limitations. The Final Office Action at page 2 broadly alleges that Dalal teaches a markup module referring to column 7, lines 43-54, and admits “Dalal does not explicitly the teach ‘camera position’”. However, the Final Office Action makes no mention as to which of the teachings of Dalal meet the specific limitations of claim 19, leaving Appellant to infer which teachings are being read to meet the limitations of an annotation of a three dimensional model. In reviewing the teachings of Dalal, Appellant notes that Dalal teaches markup documents that are stored as “texture image files of predefined three-dimensional models” (Dalal column 1, lines 63-65). Additionally, Dalal teaches that “[i]n accordance with yet other aspects of the present invention, the markup documents are HTML (Hypertext Markup Language) documents” (column 2, lines 35-37). As such, Dalal teaches a markup document and an HTML document, yet does not teach or suggest an annotation of a three dimensional model. Powers is not relied upon as teaching and does not teach or suggest these limitations. Thus, Dalal in view of Powers does not teach or suggest all claim limitations.

Claim 19 further recites “creating a user defined annotation”. Dalal in view of Powers does not disclose at least these limitations. As discussed above, the Final Office Action makes no mention as to which of the teachings of Dalal meet the limitations of claim

19, leaving Appellant to infer which teachings are being read to meet these limitations. Appellant notes that Dalal teaches storing a markup document as a texture file (Dalal, at least column 1, lines 63-65 and column 10 lines 4-9), and the markup documents received by the host system from the network are requested by the host system's user or automatically sent by a remote server coupled to the host system via the network (Dalal, column 5, lines 39-42), such that the user does not create or define the markup documents. Powers is not relied upon and teaches away from these limitations stating "texture maps can be from a predefined library or can be custom texture files that the designer (or another party) provides" (column 3, line 67 to column 4 line 2). As such, while Dalal in view of Powers may teach creating texture files from existing markup documents, it does not teach or suggest "creating a user defined annotation". Thus, Dalal in view of Powers does not teach or suggest all of the claim limitations. Therefore, Appellant respectfully asserts that claim 19 is patentable over Dalal in view of Powers and requests that the rejection be reversed.

Claims 20-24 depend from and inherit all the limitations of claim 19. As discussed above, claim 19 contains features and limitations that are neither taught or suggested by Dalal in view of Powers. Thus, claims 20-24, depending from claim 19, are nonobvious. Therefore, Appellant respectfully asserts that claims 20-24 are patentable over Dalal in view of Powers and requests that the rejection be reversed.

5. Claims 25-31

Claim 25 requires an annotation of a three dimensional model. Dalal in view of Powers does not teach these limitations. The Final Office Action at page 2 broadly alleges that Dalal teaches a markup module referring to column 7, lines 43-54, and admits "Dalal does not explicitly teach 'camera position'". However, the Final Office Action makes no mention as to which of the teachings of Dalal meet the specific limitations of claim 25, leaving Appellant to infer which teachings are being read to meet the limitations of an annotation of a three dimensional model. In reviewing the teachings of Dalal, Appellant notes that Dalal teaches markup documents that are stored as "texture image files of predefined three-dimensional models" (Dalal column 1, lines 63-65). Additionally, Dalal teaches that "[i]n accordance with yet other aspects of the present invention, the markup documents are HTML (Hypertext Markup Language) documents" (column 2, lines 35-37).

As such, Dalal teaches a markup document and an HTML document, yet does not teach or suggest an annotation of a three dimensional model. Powers is not relied upon as teaching and does not teach or suggest these limitations. Thus, Dalal in view of Powers does not teach or suggest all claim limitations.

Claim 25 further recites “receiving an annotation of said three dimensional model from a user”. Dalal in view of Powers does not disclose at least these limitations. As discussed above, the Final Office Action makes no mention as to which of the teachings of Dalal meet the limitations of claim 25, leaving Appellant to infer which teachings are being read to meet these limitations. Appellant notes that Dalal teaches storing a markup document as a texture file (Dalal, at least column 1, lines 63-65 and column 10 lines 4-9), and the markup documents received by the host system from the network are requested by the host system’s user or automatically sent by a remote server coupled to the host system via the network (Dalal, column 5, lines 39-42). Powers is not relied upon and teaches away from these limitations stating “texture maps can be from a predefined library or can be custom texture files that the designer (or another party) provides” (column 3, line 67 to column 4 line 2). As such, while Dalal in view of Powers may teach receiving a texture file of an object from a remote server, it does not teach or suggest “receiving an annotation of said three dimensional model from a user”.

Claim 25 further recites “only when said requested camera position matches said predefined camera position, displaying said annotation.” Dalal in view of Powers does not disclose at least these limitations. Dalal teaches that as the viewpoint changes or the three-dimensional model is moved, the markup documents displayed as textures on the three-dimensional models move in real-time with the models (Dalal, column 7, lines 49-53). As such, while Dalal in view of Powers may teach displaying a texture, it does not teach, “only when said requested camera position matches said predefined camera position, displaying said annotation.” Thus, Dalal in view of Powers does not teach or suggest all of the claim limitations. Therefore, Appellant respectfully asserts, for at least the above reasons, that claim 25 is patentable over Dalal in view of Powers and requests that the rejection be reversed.

Claims 26-31 depend from and inherit all the limitations of claim 25. As discussed above, claim 25 contains features and limitations that are neither taught or suggested by Dalal in view of Powers. Thus, claims 26-31, depending from claim 25, are nonobvious. Therefore, Appellant respectfully asserts that claims 26-31 are patentable over Dalal in view of Powers and requests that the rejection be reversed.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A do include the amendments filed by Appellant on December 8, 2005.

IX. EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

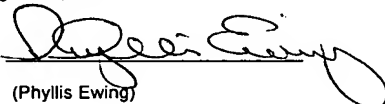
X. RELATED PROCEEDINGS

No related proceedings are referenced in II. above, or copies of decisions in related proceedings are not provided, hence no Appendix is included.

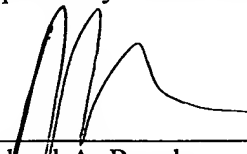
Dated: August 21, 2006

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 568241428 US, on the date shown below in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 21, 2006

Signature: 
(Phyllis Ewing)

Respectfully submitted,

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APPENDIX A

Claims Involved in the Appeal of Application Serial No. 10/817,192

1. A collaborative graphical viewing system, comprising:
a markup module which allows graphical markup items to be created and associated with a camera position, said markup module comprising a store utility which stores said created graphical markup items and associated camera position in persistent storage.

2. A collaborative graphical viewing system in accordance with claim 1,
wherein:
said markup module comprises a load utility which loads said stored graphical markup items and associated camera position from persistent storage into a viewing area.

3. (Cancelled)

4. (Cancelled)

5. A collaborative graphical viewing system in accordance with claim 1,
wherein:
said store utility allows said created graphical markup items and associated camera position to be stored in local persistent storage.

6. A collaborative graphical viewing system in accordance with claim 1,
wherein:
said store utility allows said created graphical markup items and associated camera position to be stored in said persistent storage via a database management system.

7. A method for maintaining persistence of graphical markup items in a collaborative graphics environment, comprising:
associating graphical markup items created by a user to a camera position, said camera position corresponding to a view of a model loaded into a viewing area; and
storing positioning information describing said camera position and said associated graphical markup items in persistent storage.

8. A method in accordance with claim 7, comprising:
loading said stored graphical markup items associated with said camera position into said viewing area.
9. A method in accordance with claim 7, comprising:
connecting a plurality of users to said collaborative graphics environment; and
displaying said loaded graphical markup items in said viewing area of each of said connected users.
10. A method in accordance with claim 9, wherein said storing step comprises:
storing said created graphical markup items and associated camera position in a saved collaboration session in said persistent storage.
11. A method in accordance with claim 7, wherein said storing step comprises:
storing said created graphical markup items and associated camera position in local persistent storage.
12. A method in accordance with claim 7, wherein said storing step comprises:
storing said created graphical markup items and associated camera position in said persistent storage via a database management system.
13. A computer readable storage medium tangibly embodying program instructions implementing a method for maintaining persistence of graphical markup items in a collaborative graphics environment, the method comprising the steps of:
associating graphical markup items created by a user to a camera position, said camera position corresponding to a view of a model loaded into a viewing area; and
storing positioning information describing said camera position and said associated graphical markup items in persistent storage.

14. A computer readable storage medium in accordance with claim 13, the method comprising:

loading said stored graphical markup items associated with said camera position into said viewing area.

15. A computer readable storage medium in accordance with claim 13, the method comprising:

connecting a plurality of users to said collaborative graphics environment; and
displaying said loaded graphical markup items in said viewing area of each of said connected users.

16. A computer readable storage medium in accordance with claim 15, the method comprising:

storing said created graphical markup items and associated camera position in a saved collaboration session in said persistent storage.

17. A computer readable storage medium in accordance with claim 13, the method comprising:

storing said created graphical markup items and associated camera position in local persistent storage.

18. A computer readable storage medium in accordance with claim 13, the method comprising:

storing said created graphical markup items and associated camera position in said persistent storage via a database management system.

19. A system comprising:

a computer aided design (CAD) engine for rendering views of a three dimensional model of an object under design according to a camera position that defines a viewer's perspective relative to said object in three dimensions; and

a collaboration module for creating a user defined annotation of said three dimensional model to be displayed for a single predefined camera position, wherein said collaboration module stores said user defined annotation and said single predefined camera position such that, when said three dimensional model is subsequently viewed according to said single predefined camera position, said user defined annotation is displayed.

20. The system of claim 19 wherein said collaboration modules is further operable to cause a plurality of graphical viewer applications to simultaneously present a view of said three dimensional model according to said single predefined camera position.

21. The system of claim 20 wherein said collaboration module identifies said single predefined camera position to users of said plurality of graphical viewer applications, wherein selection of said single predefined camera position by one of said users causes presentation of said three dimensional model according to said single predefined camera position and of said user defined annotation.

22. The system of claim 19 wherein said collaboration module causes said user defined annotation to cease being presented when said three dimensional model is viewed from a camera position other than said single predefined camera position.

23. The system of claim 19 wherein said user defined annotation comprises text information.

24. The system of claim 19 wherein said user defined annotation comprises graphical elements.

25. A method comprising:
generating a first view of a three dimensional model by a computer aided design (CAD) application for display according to a predefined camera position;
receiving an annotation of said three dimensional model from a user;
storing said received annotation and said predefined camera position;
receiving a request to display of a second view of said three dimensional model according to a requested camera position;
generating said second view of said three dimensional model by said CAD application for display according to said requested camera position; and
only when said requested camera position matches said predefined camera position, displaying said annotation.

26. The method of claim 25 wherein said storing said received annotation is performed by a collaboration software module operating on a server system.

27. The method of claim 25 further comprising:
establishing a collaboration session between a plurality of distributed graphical viewer applications, wherein said plurality of distributed graphical viewer applications are operable to simultaneously display views of said three dimensional model and to simultaneously display said annotation when said requested camera position matches said predefined camera position.

28. The method of claim 27 further comprising:
ending said collaboration session, wherein performance of said receiving a request to display a second view, said generating said second view, and said displaying said annotation occurs in a subsequent collaboration session.

29. The method of claim 27 wherein said plurality of distributed graphical viewer applications provide a user interface that identifies said predefined camera position, wherein said user interface generates a request to display a view of said three dimensional model according to said predefined camera position in response to input from a user.

30. The method of claim 25 wherein said annotation comprises text information.

31. The method of claim 25 wherein said annotation comprises graphical elements.

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EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None



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PATENT APPLICATION

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Title: METHOD AND SYSTEM FOR MAINTAINING PERSISTENCE OF GRAPHICAL MARKUPS IN A
COLLABORATIVE GRAPHICAL VIEWING SYSTEM

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TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on May 23, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application.

☐ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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